SENATE BILL No. 517

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-13-3; IC 20-28-5-9.

Synopsis: Criminal history checks for teachers. Requires a national criminal history background check for an applicant for a teacher license.

Effective: July 1, 2007.

Drozda

January 23, 2007, read first time and referred to Committee on Education and Career Development.



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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

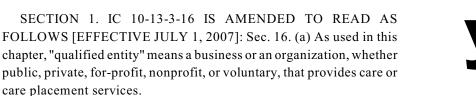
Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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SENATE BILL No. 517

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:



- (b) The term includes the following:
 - (1) A business or an organization that licenses or certifies others to provide care or care placement services.
 - (2) The department of education.

SECTION 2. IC 10-13-3-39, AS AMENDED BY P.L.234-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 39. (a) The department is designated as the authorized agency to receive requests for, process, and disseminate the results of national criminal history background checks that comply with this section and 42 U.S.C. 5119a.

(b) A qualified entity may contact the department to request a national criminal history background check on any of the following



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1	persons:
2	(1) A person who seeks to be or is employed with the qualified
3	entity. A request under this subdivision must be made not later
4	than three (3) months after the person is initially employed by the
5	qualified entity.
6	(2) A person who seeks to volunteer or is a volunteer with the
7	qualified entity. A request under this subdivision must be made
8	not later than three (3) months after the person initially volunteers
9	with the qualified entity.
10	(c) A qualified entity must submit a request under subsection (b) in
11	the form required by the department and provide a set of the person's
12	fingerprints and any required fees with the request.
13	(d) If a qualified entity makes a request in conformity with
14	subsection (b), the department shall submit the set of fingerprints
15	provided with the request to the Federal Bureau of Investigation for a
16	national criminal history background check for convictions described
17	in IC 20-26-5-11. The department shall respond to the request in
18	conformity with:
19	(1) the requirements of 42 U.S.C. 5119a; and
20	(2) the regulations prescribed by the Attorney General of the
21	United States under 42 U.S.C. 5119a.
22	(e) This subsection applies to a qualified entity that:
23	(1) is not a charter school , a school corporation, or a special
24	education cooperative; or
25	(2) is a charter school, a school corporation, or a special
26	education cooperative and seeks a national criminal history
27	background check for a volunteer.
28	After receiving the results of a national criminal history background
29	check from the Federal Bureau of Investigation, the department shall
30	make a determination whether the applicant has been convicted of an
31	offense described in IC 20-26-5-11 and convey the determination to the
32	requesting qualified entity.
33	(f) This subsection applies to a qualified entity that:
34	(1) is a charter school , a school corporation, or a special
35	education cooperative; and
36	(2) seeks a national criminal history background check to
37	determine whether to employ or continue the employment of a
38	certificated employee or a noncertificated employee of a charter
39	school or school corporation or an equivalent position with a
40	special education cooperative.
41	After receiving the results of a national criminal history background

check from the Federal Bureau of Investigation, the department may



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1	exchange identification records concerning convictions for offenses	
2	described in IC 20-26-5-11 with the charter school, school	
3	corporation, or special education cooperative solely for purposes of	
4	making an employment determination. The exchange may be made	
5	only for the official use of the officials with authority to make the	
6	employment determination. The exchange is subject to the restrictions	
7	on dissemination imposed under P.L.92-544, (86 Stat. 1115) (1972).	
8	(g) This subsection applies to a qualified entity (as defined in	
9	IC 10-13-3-16) that is a public agency under IC 5-14-1.5-2(a)(1). After	
10	receiving the results of a national criminal history background check	
11	from the Federal Bureau of Investigation, the department shall provide	L
12	a copy to the public agency. Except as permitted by federal law, the	
13	public agency may not share the information contained in the national	
14	criminal history background check with a private agency.	
15	SECTION 3. IC 20-28-5-9, AS ADDED BY P.L.246-2005,	
16	SECTION 160, IS AMENDED TO READ AS FOLLOWS	
17	[EFFECTIVE JULY 1, 2007]: Sec. 9. (a) An applicant must do the	U
18	following:	
19	(1) Submit the applicant's fingerprints and a request to the	
20	Indiana central repository for limited a national criminal history	
21	information background check under IC 10-13-3.	
22	(2) Obtain a copy of the limited criminal history for the applicant	
23	from the repository's records.	
24	(3) Submit to (2) Provide permission for the department to	
25	receive a copy of the limited national criminal history	
26	background check for the applicant.	
27	(4) (3) Submit to the department a document verifying a	M
28	disposition that does not appear on the limited national criminal	
29	history background check for the applicant.	
30	(b) The department may deny the issuance of a license or certificate	
31	to an applicant who is convicted of an offense for which the	
32	individual's license may be revoked or suspended under this chapter.	
33	(c) The department must use the information obtained under this	
34	section in accordance with $\frac{1C}{10-13-3-29}$. IC 10-13-3-39(g).	
35	(d) An applicant is responsible for all costs associated with meeting	



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the requirements of this section.